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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/517,315	12/09/2005	Atsushi Osada	107355-00183	6710
4372	7590	04/15/2010	EXAMINER	
ARENT FOX LLP 1050 CONNECTICUT AVENUE, N.W. SUITE 400 WASHINGTON, DC 20036			COZART, JERMIE E	
			ART UNIT	PAPER NUMBER
			3726	
			NOTIFICATION DATE	DELIVERY MODE
			04/15/2010	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

DCIPDocket@arentfox.com

IPMatters@arentfox.com

Patent\_Mail@arentfox.com

### Office Action Summary

**Application No.**

10/517,315

**Applicant(s)**

OSADA ET AL.

**Examiner**

Jermie E. Cozart

**Art Unit**

3726

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 March 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) 7-10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6 is/are rejected.
- 7) ☒ Claim(s) 1-5 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date: \_\_\_\_\_

## DETAILED ACTION

### *Claim Objections*

1. Claims 1-5 are objected to because of the following informalities: In **claim 1, line 5**, "a horizontal direction" because the previous line refers to "the horizontal direction," therefore it is suggested to change "a horizontal direction" to - the horizontal direction- - so as to be consistent throughout the claim. Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claim 6 is rejected under 35 U.S.C. 102(a) as being anticipated by Applicants' Admitted Prior Art (AAPA). See page 1, line 19 – page 3, line 18 for further clarification.

Regarding **claim 6**, AAPA discloses at page 1, line 19 – page 3, line 18, detecting a position of a wheel tilting angle adjustment member (i.e. a tie rod; pg. 1, lines 22-24), wherein a position of a wheel mounted on a vehicle is detected through the wheel tilting angle adjustment member which adjusts a tilting angle of the wheel because the operator can use a tie rod adjustment apparatus in combination with the tilting angle adjustment member to detect a position of the wheel, and the position of the wheel tilting angle adjustment member (i.e. tie rod) is calculated on the basis of the detected wheel position and relative position information of the wheel tilting angle adjustment member with respect to the wheel by the operator because the operator

may or may not have to adjust the wheel tilting angle for each respective wheel. It is known to set the relative position information for each vehicle type.

***Allowable Subject Matter***

4. Claims 1-5 would be allowable pending correction of the minor informality set forth above.

***Response to Arguments***

5. Applicant's arguments filed 3/9/10 have been fully considered but they are not persuasive.

Applicants argue that the AAPA does not teach or disclose "[a] method for *detecting* a position of a wheel tilting angle adjustment member, wherein a position of a wheel mounted on a vehicle is *detected* through the wheel tilting angle adjustment member which adjusts a tilting angle of the wheel, and the position of the wheel tilting angle adjustment member is *calculated* on the basis of the detected wheel position and relative position information of the wheel tilting angle adjustment member with respect to the wheel, the relative position information being previously set for each vehicle type," as recited in Claim 6 (emphasis added).

In response, the Examiner maintains that based on the claim language as presented that the operator can use the wheel tilting angle adjustment member to detect a position of a wheel mounted on the vehicle. Claim 6 as written does not exclude the use of visual observation by the operator. Claim 6 as written fails to provide any distinguishing language to overcome the prior art.

***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jermie Cozart whose telephone number is 571-272-4528. The examiner can normally be reached on Monday-Thursday, 7:30 am - 6:00 pm.

8. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bryant can be reached on 571-272-4526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jermie E Cozart/  
Primary Examiner, Art Unit 3726

April 9, 2010